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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,547	01/31/2002	Pieter J. van Zee	100110359-1	2726
7590	01/13/2005		EXAMINER	
HEWLETT-PACKARD COMPANY			JELINEK, BRIAN J	
Intellectual Property Administration			ART UNIT	PAPER NUMBER
P.O. Box 272400				
Fort Collins, CO 80527-2400			2615	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/061,547	VAN ZEE, PIETER J.
	<b>Examiner</b>	<b>Art Unit</b>
	Brian Jelinek	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 10-16 is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5-9 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 1/31/2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/31/2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____ .                                   |

## **DETAILED ACTION**

This is a first office action in response to application no. 10/061,547 filed on 1/31/2002 in which claims 1-16 are presented for examination.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed

### ***Claim Objections***

Claim 13 is objected to because of the following informalities: there is insufficient antecedent basis for the limitation in the claim.

Claim 13 recites the limitation "said electromechanical activator" in lines 2-3 of the claim. Appropriate correction is required

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1-2, and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al. (U.S. Pat. No. 6,435,969).**

Regarding claim 1, Tanaka et al. discloses an image capturing device comprising: a housing (Fig. 1); an optoelectric transducer disposed in said housing, arranged to accept an optical input via a light transmissive opening through said housing, and to convert said optical input to an electrical signal (Fig. 13, element 33); an image processor disposed within said housing and electrically coupled to said optoelectric transducer (Fig. 13, element 33); a handheld computing device disposed within said housing, coupled to said image processor, and including: a microprocessor (Fig. 13, element 51), memory coupled to said microprocessor (Fig. 13, elements 45 and 57), a user interface (Fig. 13, elements 23, 24, and 25), an external computer interface (Fig. 13, element 52), and a display (Fig. 13, element 22); wherein said display, when switched from displaying computing device information, displays an image regenerated at least in part by said microprocessor from said electrical signal (col. 3, lines 15-19); and wherein said user interface further comprises at least one electromechanical activator, when switched from accepting computing device instruction, adapted to accept a user instruction to save said electrical signal as a stored image representation (col. 3, lines 1-4).

Regarding claim 2, Tanaka et al. discloses the user interface further comprises at least one electromechanical activator, when switched from accepting computing device instruction, adapted to accept a user instruction to couple a second electrical signal representative of said stored image representation to said external computer interface of said handheld computing device (col. 16, lines 54-60).

Regarding claim 4, Tanaka et al. discloses an image capturing device comprising: a housing (Fig. 1); an optoelectric transducer disposed in said housing, arranged to accept an optical input via a light transmissive opening through said housing, and to convert said

optical input to an electrical signal (Fig. 13, element 33); an image processor disposed within said housing and electrically coupled to said optoelectric transducer (Fig. 13, element 56); a memory coupled to said image processor (Fig. 13, element 57); a user interface (Fig. 13, element 23, 24, and 25); and an integral interface connector coupled to said image processor and adapted to be coupled to an external computer without an intervening cable (Fig. 13, element 52).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Pat. No. 6,435,969) in view of Ha et al. (U.S. Pat. No. 6,530,838).**

Regarding claim 3, Tanaka et al. discloses the memory includes a computing device stored document wherein a user input associates said stored image representation with said stored document (col. 2, lines 20-30). Tanaka et al. does not disclose the display further comprises a tactile input display.

However, Ha et al. discloses a game pad connectable to a portable computer (PDA) comprising a digital camera (col. 1, lines 30-31) and touch screen (col. 1, lines 34-45). One of ordinary skill in the art would have provided a touch screen for the purpose of inputting data (col. 1, lines 39-45). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a tactile input

display in order to input data for providing a message or drawing directly on the captured image (Tanaka et al.: col. 3, lines 26-30).

***Allowable Subject Matter***

**Claims 10-16 are allowed.**

Regarding claim 10, the reason for allowance is as follows: the prior art does not disclose or fairly suggest repurposing an electromechanical actuator from said determined function to a shutter actuation function.

Regarding claim 12, the reason for allowance is as follows: the prior art does not disclose or fairly suggest turning the image capture device on in response to a user's activation of a first electromechanical actuator; and accepting a user instruction to said first electromechanical actuator to save said electrical signal as a stored image representation.

Claims 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the reason for allowance is as follows: the prior art does not disclose or fairly suggest an electromechanical activator to accept both a user instruction to turn the image capturing device on and to save said electrical signal as a stored image representation.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (703) 305-4724. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
1/10/2005



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